

**Remarks**

After the foregoing amendments, Claims 11, 12 and 17-23 are currently pending in the application. Claims 11 and 12 have been amended to more particularly point out that the holding wall and the terminal wall extend parallel to each other such that they face each other in the axial direction. Claims 17-20 have been amended to more particularly point out that the cylindrical cover has first and second opposed open ends. Claim 21 has been added to more particularly point out that the nozzle cap includes a seal-fitting portion the protrudes from the terminal wall. Claim 22 has been added to more particularly point out that the holding wall is butted against the distal end of the nozzle. Claim 23 has been added to more particularly point out that the nozzle includes a cylindrical member that protrudes from the terminal wall. Support for these amendments can be found in original specification paragraphs 30 and 34 and Figs. 1-3 and 5-7. Accordingly, no new matter has been added.

**Claim Rejections**

**Claims 11 and 12**

The Examiner has rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,336,936 (Mullins) in view of U.S. Patent Application Publication No. 2004/0036232 (Fluck). The Examiner admits that Mullins fails to disclose a nozzle cap having a holding wall that has a protruding wall from a terminal wall and is bent to a sealing member side and where a protruding wall is formed into a cylindrical shape and surrounds the sealing member where the protruding wall is provided with an engagement protrusion that bites into the sealing member and where an adherent protrusion of the sealing member protrudes toward the tapered face of the nozzle. The Examiner relies upon Fluck to teach the above-described structure that Mullins fails to disclose. The rejection of amended claims 11 and 12 is respectfully traversed.

Referring to Fig. 1, Mullins discloses a refrigerator service vale 10 for connecting to a selected refrigeration line (not shown) having an end portion 18 closed by a dust cap 50. When it is desired to check the pressure of the connected refrigeration line, the dust cap 50 is removed and a conventional pressure-vacuum gage (not shown) is connected to threads 14. The gage contacts and unseats a valve core 22 to record the pressure or vacuum pull of the line.

Referring to Figs. 1 and 3, Fluck discloses an assembly 10 including a cap 11 provided with a sealing device 13 and a valve block 12 with a flat face 14 for engagement by the sealing device 13. The cap 11 has an encompassing wall 16, which is equipped on its outside 17 with flange-like extensions 18 as well as fastening holes 19 in the extensions 18 for screwing the cap 11 to the valve block 12. The wall 16 has a groove 20, extending along the face end, which is open toward the valve block 12 and whose flat bottom 21 extends parallel to the face 14 of the valve block 12. Toward the outside 17 of the wall 16, the groove 20 is bounded by a groove check 22. Immediately adjacent the groove 20, a lug-like protrusion 23 is formed onto the groove check 22. On the inside 24 of the wall 16, the groove 20 is bounded by a groove check 25. A rubber-elastic seal 27 is disposed in the groove 20 of the wall 16.

Initially, it is noted that the Examiner has failed to cite a basis in either the Mullins patent or the Fluck application to support the alleged combination of these two references. Accordingly, the rejection of claims 11 and 12 should be withdrawn since the Examiner has failed to provide a *prima facia* case for obviousness.

Assuming, *arguendo*, that Mullins is properly combinable with Fluck, the proposed combination fails to disclose Applicants' invention as claimed in amended claims 11 and 12.

Claims 11 and 12, as amended, recite a nozzle cap and, *inter alia*,

a terminal wall opposed to a distal end face of the nozzle axially with respect to the nozzle; . . .

a holding wall pressing and holding an edge of the sealing member in co-operation with the terminal wall therebetween; . . .

wherein the holding wall and the terminal wall hold the flat portion of the sealing member therebetween and the holding wall and the terminal wall extend parallel to each other such that they face each other in the axial direction (emphasis added)

As admitted by the Examiner, Mullins fails to disclose the particulars of the terminal wall and the holding wall, as shown above and recited in amended claims 11 and 12. Fluck does not make up this deficiency. Fluck fails to teach that the holding wall and the terminal wall hold the flat portion of the sealing member therebetween and that the holding wall and the terminal wall extend parallel to each other such that they face each other in the axial direction. In the Office Action, the Examiner identifies the encompassing wall 16 of Fluck as the terminal wall, the groove check 22 of Fluck as the holding wall and the seal 27 of Fluck as the sealing member.

The encompassing wall 16 and groove check 22, disclosed by Fluck, do not hold the flat portion of the seal 27 therebetween, as claimed. Further, the encompassing wall and groove check 22, disclosed by Fluck, do not extend parallel to each other such that they face each other in the axial direction. Conversely, the encompassing wall 16 and groove check 22, disclosed by Fluck, extend perpendicular to each other in the axial direction and, therefore, the flat portion of the seal 27, disclosed by Fluck, is not held between, but adjacent to, the encompassing wall 16 and the groove check 22.

Since Fluck does not teach that the holding wall and the terminal wall hold the flat portion of the sealing member therebetween and that the holding wall and the terminal wall extend parallel to each other such that they face each other in the axial direction, it would not have been obvious to one of ordinary skill in the art to create such structure in Mullins. Applicants' invention, as recited in amended claims 11 and 12, provides such structure to prevent separation of the sealing member from the cap body when the nozzle cap is detached from the nozzle. It is therefore respectfully submitted that the rejection of claims 11 and 12 be withdrawn.

**Claims 17-20**

The Examiner has rejected claims 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Mullins in view of Fluck and further in view of U.S. Patent No. 2,903,888 (Gfoll). The Examiner admits that Mullins in view of Fluck fails to teach a generally cylindrical cover that is fitted with an outer periphery of the cap so as to surround the sealing member arrangement. The Examiner relies upon Gfoll to teach the cylindrical cover. The rejection of amended claims 17-20 is respectfully traversed.

Referring to Figs. 1-3, Gfoll teaches a pressure gage attachment or measuring cap for tire valve stems. The measuring cap includes a cylindrical cover 1 of transparent plastic material that "forms the upper part of the measuring cap, which is closed all round without any perforations" (col. 1, lns. 64-65). The cover 1 is shiftable in a longitudinal direction and includes a sleeve 3, constructed as a core, on the inner face of the upper wall of the cover 1.

As noted above, the Examiner has failed to cite a basis in either Mullins or Fluck to support their combination. The Examiner has also failed to cite a basis in either of these references or in Gfoll to support the triple reference combination. Accordingly, the rejection of

claims 17-20 should be withdrawn since the Examiner has failed to provide a *prima facia* case for obviousness.

Assuming, *arguendo*, that Mullins, Fluck and Gfoll are properly combinable, the proposed combination would fail to disclose Applicants' invention as claimed in amended claims 17-20.

Claims 17-20, as amended, recite a nozzle cap and, *inter alia*,

a generally cylindrical cover with first and second opposed open ends fitted with an outer periphery of the cap so as to surround the sealing member, the cylindrical cover being made of a transparent or semi-transparent synthetic resin . . . (emphasis added)

As admitted by the Examiner, Mullins and Fluck fail to teach the cylindrical cover, as shown above and recited in amended claims 17-20. Gfoll does not make up this deficiency. Gfoll fails to teach that the generally cylindrical cover has first and second opposed open ends. Conversely, the cylindrical cover 1, disclosed by Gfoll, has a closed upper surface, as seen in Figs. 1-3, and, therefore, does not have first and second opposed open ends.

Since Gfoll does not teach that the generally cylindrical cover has first and second opposed open ends, it would not have been obvious to one of ordinary skill in the art to create such structure in Mullins and Fluck. Applicants' invention, as recited in amended claims 17-20, provides such structure to protect the sealing member while allowing the cover to be easily and securely placed over the cap body and nozzle. It is therefore respectfully submitted that the rejection of claims 17-20 be withdrawn.

#### New Claims 21-23

New claim 21, which is dependent from claim 11, further recites that the nozzle cap includes a seal-fitting portion the protrudes from the terminal wall on the inner side of the protruding wall wherein the sealing member is adhered closely to both of the protruding wall and seal-fitting portion.

New claim 22, which is dependent from claim 11, further recites that the holding wall is butted against the distal end of the nozzle so as to be prevented from being deformed in such a direction that the holding wall departs from the terminal wall.

New claim 23, which is dependent from claim 11, further recites that the nozzle includes

Application No. 10/713,124  
Reply to Office Action of May 17, 2007

a cylindrical member that protrudes from the terminal wall on the outer side of the protruding wall wherein the sealing member is adhered closely to both of the protruding wall and the cylindrical wall.

Applicants respectfully submit that claims 21-23 are not anticipated by or obvious in view of Mullins or Fluck or any combination thereof for at least the same reasons discussed above for claim 11. Accordingly, Applicants respectfully submit that new claims 21-23 are patentable over all of the references currently of record in the application.

Conclusion

In view of the foregoing Amendment and remarks, Applicant respectfully submits that the present application, including claims 11, 12 and 17-23 as amended, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,  
*Masahiko Yamamoto et al.*

August 9, 2007  
(Date)

By: Martin G. Belisario

**MARTIN G. BELISARIO**  
Registration No. 32,886  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
One Commerce Square  
2005 Market Street, Suite 2200  
Philadelphia, PA 19103-7013  
Telephone: 215-965-1200  
**Direct Dial: 215-965-1303**  
Facsimile: 215-965-1210  
E-Mail: [mbelisario@akingump.com](mailto:mbelisario@akingump.com)

MGB/MTV